THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27585 of 1997

Date: 14.02.2007

Between:
Nallangula Venkaiah @ Peda Venkaiah.

....Petitioner

And

The Mandal Revenue Officer, Jalandanki, Nellore District and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27585 of 1997

O R D E R:

This Writ Petition is filed challenging a notice, dated 14.10.1997, issued by the first respondent, under Section 6 of the A.P. Land Encroachment Act, 1905 (for short 'the Act'). Petitioner states that the impugned notice was not preceded by any show cause notice, contemplated under Section 7 of the Act. The third respondent got impleaded in the Writ Petition and filed an application to vacate the interim order granted by this Court on 23.10.1997. It is stated that the prescribed procedure was followed and on finding that the petitioner is causing nuisance by using the land as a manure pit and polluting the under ground water in the neighbourhood, the order of eviction was passed. A further plea was raised to the effect that the land has since been resumed.

Heard the learned counsel for the petitioner, the learned Government Pleader for respondents 1 and 2 and the learned counsel for the third

respondent.

After hearing all the concerned parties and on a consideration of the relevant facts, this Court passed an order on 25.09.2000, vacating the interim stay. Reference was made to the report of a Medical Officer and W.P.No.15153 of 1997 filed by the petitioner. A perusal of the order discloses that when the Gram Panchayat initiated steps, for eviction of the petitioner, he challenged the action, by stating that it does not have the jurisdiction, and when the revenue authorities took steps, he raised the plea that the land is part of Gramakantam. In addition to these proceedings, the petitioner is said to have filed a suit also. Under these circumstances, this Court does not find any basis to grant relief to the petitioner.

Hence, the Writ Petition is dismissed. There shall be no order as to costs.

14.02.2007

JSU